

Michael N. Zachary, OSBA#041201  
Michael P. Matesky, II (*pro hac vice pending*)  
Robert J. Carlson (*pro hac vice pending*)  
Christensen O'Connor Johnson Kindness PLLC  
1420 Fifth Ave., Ste. 2800  
Seattle, Washington 98101  
Telephone: 206-682-8100  
Facsimile: 206-224-0779  
Email: [michael.zachary@cojk.com](mailto:michael.zachary@cojk.com)  
[mike.matesky@cojk.com](mailto:mike.matesky@cojk.com)  
[bob.carlson@cojk.com](mailto:bob.carlson@cojk.com)

FILED 10 OCT 4 8 28 USDC ORP

*Attorneys for CollegeNET, Inc.*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
DIVISION OF PORTLAND

COLLEGENET, INC.,  
PLAINTIFF,  
v.  
GOOGLE INC.  
DEFENDANT.

Case No. **CV 10-1211 HU**

MOTION TO EXPEDITE  
DISCOVERY  
EXPEDITED HEARING  
REQUESTED  
ORAL ARGUMENT REQUESTED

Plaintiff CollegeNET, Inc. ("CollegeNET") respectfully moves for entry of an order authorizing expedited discovery in aid of a Motion for Preliminary Injunction that CollegeNET intends to file against Defendant Google, Inc. ("Google"). Counsel for CollegeNET has attempted to meet and confer by telephone with Google's in-house counsel pursuant to LR 7-1(a). Google has not yet appeared in the action, but according to press reports has a large staff of over 100 in-house attorneys covering a variety of disciplines. CollegeNET left a voice mail with

the in-house trademark counsel, Christine Hsieh, who had responded to CollegeNET's initial effort to resolve the matter without litigation. If Google responds to CollegeNET's meet and confer efforts and consents to the motion, CollegeNET will promptly inform the Court.

CollegeNET files this motion, and seeks an expedited hearing, for the following reasons:


1. Google has filed an "intent-to-use" trademark application for the mark "SPEEDBOOK," a mark that is registered to CollegeNET. In the application, Google stated that it had a bona fide intention to use the mark in commerce in the U.S.
2. Numerous online reports state that Google is expected to use SPEEDBOOK as the product name for tablet computer or similar product, to be launched on November 26, 2010.
3. In an email communication from Google's trademark counsel, Ms. Hsieh, dated October 1, 2010, Google did not deny these online reports, and in fact, confirmed an intent to use the mark, although without specifying the identify of the product or the launch date.
4. CollegeNET seeks limited and narrowly targeted expedited discovery in order to confirm Google's plans, and the impact on CollegeNET's trademark rights.
5. Such information is needed on an expedited basis in aid of CollegeNET's intended preliminary injunction motion, seeking to prevent Google from launching a product using the product name "SPEEDBOOK," which according to reports is expected to be available for purchase as early as November 26, 2010.

CollegeNET, therefore, asks the Court to order that CollegeNET be permitted to serve the document requests and deposition notice attached to the accompanying papers, that Google be required to respond to the document requests and produce responsive documents within 5 calendar days of the Court's order and to provide a witness for deposition within 5 calendar days of such document production.

In further support of the Motion to Expedite Discovery CollegeNET also relies on the Declaration of Michael N. Zachary in Support of Motion to Expedite Discovery and on the Memorandum in Support of Motion to Expedite Discovery, submitted concurrently herewith.

Dated this 4th day of October, 2010.

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



---

Michael N. Zachary, OSBA #041201  
Michael P. Matesky, II (*pro hac vice pending*)  
Robert J. Carlson (*pro hac vice pending*)  
Christensen O'Connor Johnson Kindness<sup>PLLC</sup>  
1420 Fifth Avenue, Suite 2800  
Seattle, WA 98101-2347  
Telephone: 206.682.8100; Fax: 206.224.0779  
E-mail: michael.zachary@cojk.com;  
mike.matesky@cojk.com; bob.carlson@cojk.com;  
courtdoc@cojk.com  
*Attorney for Plaintiff CollegeNET, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 4, 2010, I filed the foregoing document with the Clerk of the Court.

I further certify that on October 4, 2010, I served a true and correct copy of the foregoing document via hand delivery upon Defendant's Registered Agent for service of process located at:

Google Inc.  
c/o Corporation Service Company, its Registered Agent  
285 Liberty Street NE  
Salem, OR 97301

I further certify that on October 4, 2010, I served a true and correct courtesy copy of the foregoing document via electronic mail upon Defendant at:

Christine Hsieh  
**chsieh@google.com**  
Google Inc.

Dated this 4th day of October, 2010.

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

*Michael N. Zachary by permission MPM*

Michael N. Zachary, OSBA #041201  
Michael P. Matesky, II (*pro hac vice pending*)  
Robert J. Carlson (*pro hac vice pending*)  
Christensen O'Connor Johnson Kindness<sup>PLLC</sup>  
1420 Fifth Avenue, Suite 2800  
Seattle, WA 98101-2347  
Telephone: 206.682.8100; Fax: 206.224.0779  
E-mail: michael.zachary@cojk.com;  
mike.matesky@cojk.com; bob.carlson@cojk.com;  
courtdoc@cojk.com  
Attorney for Plaintiff CollegeNET, Inc.